UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,400	05/03/2001	Hideaki Emoto	2001-0465A	6474

513 7590 01/24/2005		EXAMINER
WENDEROTH, LIND & PONACK, L.L.P.		CHEN, WENPENG

ART UNIT	PAPER NUMBER
2624	

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DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/847,400	EMOTO ET AL.
	Examiner	Art Unit	
	Wenpeng Chen	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 August 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>16-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>16-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/26/04, 9/23/04</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Examiner's responses to Applicant's remark

1.   All the old claims (1-15) are cancelled. All of the rejections to Claims 1-15 are

thus moot.

2.   Applicants' amendment to specification filed on 8/26/2004 overcomes the

objection to specification set forth in paper #3 mailed on 5/26/2004.

3.   Applicants' arguments filed on 8/26/2004 are all related to the newly added

claims and will be addressed below regarding to each claim.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 16-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Sinisalo

(UK Patent Application GB 2280827 A cited previously.)

a.   For Claims 16-17, Sinisalo teaches a communication process comprising:

-- dummy-picturing a predetermined number of first order original data which

vary from each other according to a first parameter so as to combine the predetermined

number of first order original data into dummy pictured data including a plurality of

second order data which vary from each other according to the first parameter and a

second parameter; (Fig. 1; page 5 explaining Fig. 1; *The FFT spectrum of the speech*

signal is the first order original data which vary from each other according to a first

parameter that is frequency. The whole "two-dimensional presentation speech signal" is

the plurality of second order data which vary from each other according to the

frequency and a second parameter that is time.)

      -- highly compressing the dummy pictured data by a picture compression

treatment; (JPEG of Fig. 2)

      -- transmitting the dummy pictured data compressed in said highly compressing

of the dummy pictured data; (transmission of Fig. 2)

      -- reproducing the dummy pictured data transmitted in said transmitting of the

dummy pictured data; (inverse JPEG of Fig. 2)

      -- dividing the dummy pictured data into the predetermined number of first order

original data so as to reproduce the original data; (IFFT step of Fig. 2; The m • n matrix

is divided into column for IFFT to generate reconstructed speech signal at a given time.)

      -- wherein the first parameter is a frequency of each of the first order original data, and

the second parameter is time. (See explanation above.)

      For Claims 18-19, because the FFT spectrum of the speech signal includes important

information about characteristic curves of the first order original data that is the speech signal,

the above-cited passages with regard to Claims 16-17 evidently also teaches Claims 18-19.

For Claims 20-21, the features recited in the claim bodies are exactly the same as those of Claims 18-19. Sinisalo also teaches that the method is targeted for sound mail applications, which include sending sound information. (2nd paragraph of page 8) The sound information is evidently generated at a remote site. The recitation of "for observing a plant" in the preamble does not link to the body of Claim 20 and is for intended usage only, it thus does not carry any weight for consideration. Therefore, the above-cited passages with regard to Claims 16-17 also teach Claims 20-21.

b.   For Claims 22-23, Sinisalo teaches a data compression process for transmitting data from a transmitting site (the upper branch of Fig 2) to a remote site (the lower branch of Fig 2), said data compression process comprising:

-- dummy-picturing a predetermined number of the data, which are first order original data and which vary from each other according to a first parameter, so as to combine the predetermined number of first order original data, at the transmitting side, into dummy pictured data including a plurality of second order data which vary from each other according to the first parameter and a second parameter; (Fig. 1; page 5 explaining Fig. 1; Fig. 2; 2nd paragraph of page 8; *The FFT spectrum of the speech signal is the first order original data which vary from each other according to a first parameter that is frequency. The whole "two-dimensional presentation speech signa"l is the plurality of second order data which vary from each other according to the frequency and a second parameter that is time.*)

-- highly compressing the dummy pictured data by a picture compression treatment; (JPEG of Fig. 2)

-- transmitting the dummy pictured data compressed in said highly compressing

of the dummy pictured data to a receiving site; (transmission of Fig. 2)

-- recovering the dummy pictured data received at said receiving site so as to

reproduce the dummy pictured data; (inverse JPEG of Fig. 2)

-- dividing the dummy pictured data into the predetermined number of first order

original data; (IFFT step of Fig. 2; The m • n matrix is divided into column for IFFT to

generate reconstructed speech signal at a given time.)

-- wherein the first parameter is a frequency of each of the first order original data, and

the second parameter is time. (See explanation above.)

For Claims 24-25, because the FFT spectrum of the speech signal includes important

information about characteristic curves of the first order original data that is the speech signal,

the above-cited passages with regard to Claims 22-23 evidently also teaches Claims 24-25.

For Claims 26-27, the features recited in the claim bodies are exactly the same as those of

Claims 24-25. Sinisalo also teaches that the method is targeted for sound mail applications,

which include sending sound information. (2nd paragraph of page 8) The sound information is

evidently generated at a remote site. The recitation of "for observing a plant" in the preamble

does not link to the body of Claim 26 and is for intended usage only, it thus does not carry any

weight for consideration. Therefore, the above-cited passages with regard to Claims 22-23 also

teach Claims 26-27.

c.   For Claims 28-33, when one compares Claims 28-33 with Claims 16-27, it is

evident that Sinisalo teaches also Claims 28-33 as explained by the above-cited passages and

reasons given for Claims 16-27.

d.   For Claims 34-39, Sinisalo also teaches:

-- receiving a compressed dummy picture so as to recover a dummy picture, the

dummy picture including a plurality of second order data which vary from each other

according to a first parameter and a second parameter, and the dummy picture resulting

from combining a predetermined number of first order original data which vary from

each other according to the first parameter. (Data are received by "inverse JPEG" in Fig.

2. *The FFT spectrum of the speech signal is the first order original data which vary*

from each other according to a first parameter that is frequency. The whole "two-

dimensional presentation speech signal" is the plurality of second order data which

vary from each other according to the frequency and a second parameter that is time.)

As one compares Claims 34-39 with Claims 16-27, it is evident that Sinisalo teaches also

Claims 34-39 as explained by the above-cited passages and reasons given for Claims 16-27 and

the receiving feature cited above. .

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The

examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9306 for regular

communications and 703-872-9306 for After Final communications. TC 2600's customer service

number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen
Examiner
Art Unit 2624

January 18, 2005